UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,087	10/20/2003	Yuan-Yao Shen	003-03-031	4864

35870 7590 03/29/2005

APEX JURIS, PLLC
13194 EDGEWATER LANE NORTHEAST
SEATTLE, WA 98125

EXAMINER	
NGUYEN, TAI T	
ART UNIT	**PAPER NUMBER**
2632	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,087	SHEN, YUAN-YAO	
	Examiner	Art Unit	
	Tai T. Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 5, line 24, "usablein" should be corrected as ----usable in----.

Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities: claim 1, line 1, "sings" should be corrected as ----signs----.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 recites the limitation "said transmission system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

5. Regarding claim 5, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Lye et al. (US 2004/0100376).

Regarding claim 1, Lye et al. disclose a healthcare monitoring system in a set of physiological detector (10), comprising:

a set of signal receiving module (40) for receiving a human vital signs from various detecting devices (10, figure 1, paragraphs 36-38);

a signal conversion module for converting the human vital signs imputed to the signal receiving module into programmable data information and outputting the same to a microprocessor (80, paragraph 39);

the processor for analyzing, comparing, and storing the data information inputted from the signal conversion, and outputting resultant data to a signal transmission module (paragraphs 40-43; and

the signal transmission module for transmitting the resultant data to a various desired terminal electronic device (86) by way of wireless transmission modes for storing (paragraph 44).

Regarding claim 2, Lye et al. disclose the detecting device (10) comprising a biosensor (12) being skin contact biochip (paragraph 45) or implanted biosensors (paragraph 166).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lye et al. (US 2004/0100376).

Regarding claims 3-4, Lye et al. disclose the instant claimed invention except for wireless transmission modes being infrared ray, blue tooth, and 820,11b and being microminiaturized into a system-on-chip. Since Lye et al. disclose the processor (80) communicating the resultant signal by way of phone line, RF circuitry, cable, secure internet connections to electronic device (86, paragraphs 43-44), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize infrared ray/blueTooth, or 820,11b for the purpose of initiating wireless transmission to a remote location.

Regarding claim 5, Lye et al. disclose the instant claimed invention except for electronic device being a cellular phone, notebook computer, PDA for displaying data information. Since Lye et al. disclose the resultant can be transmitted to a remote location through any conventional means for review by other healthcare professionals (paragraph 43), it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a PDA for the purpose of displaying transmitted information that enable the healthcare professional personnel to review what going on in order to provide an appropriated help.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christophersom et al. (US 6,738,671), Urbas et al. (US 6,054,935), Eglise (US 6,579,498), and Kovacs et al. (US 5,833,603).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tai T. Nguyen
Examiner
Art Unit 2632

March 7, 2005